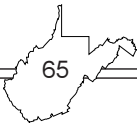
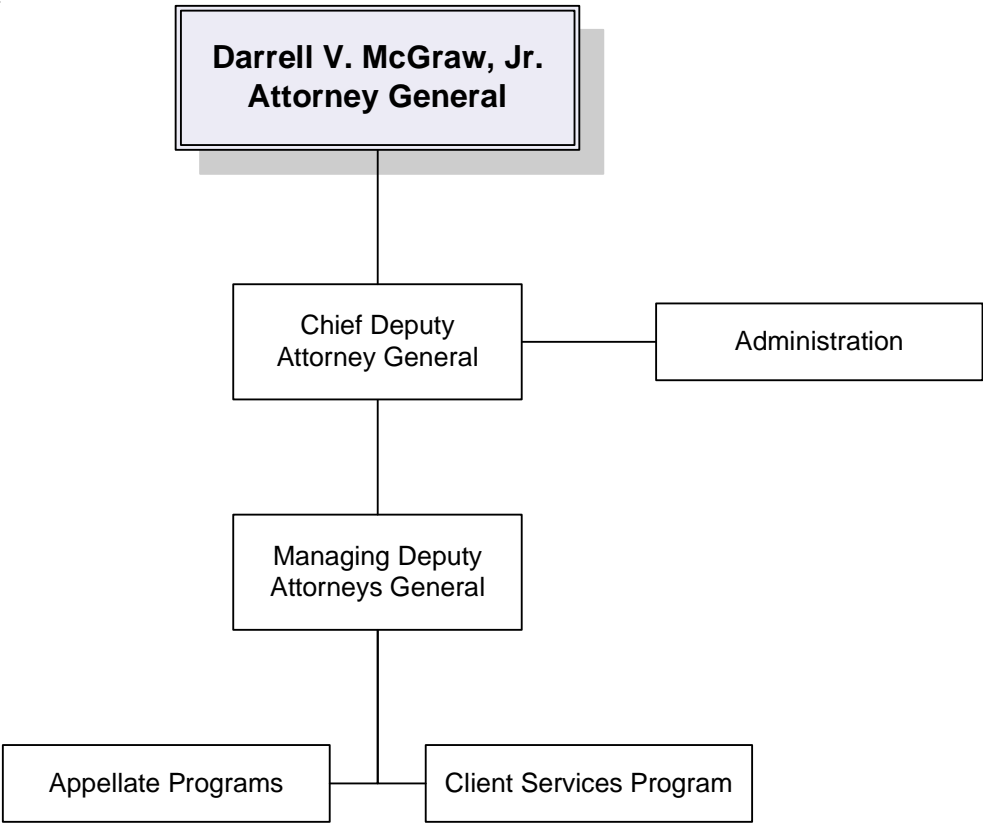


Attorney General



Attorney General

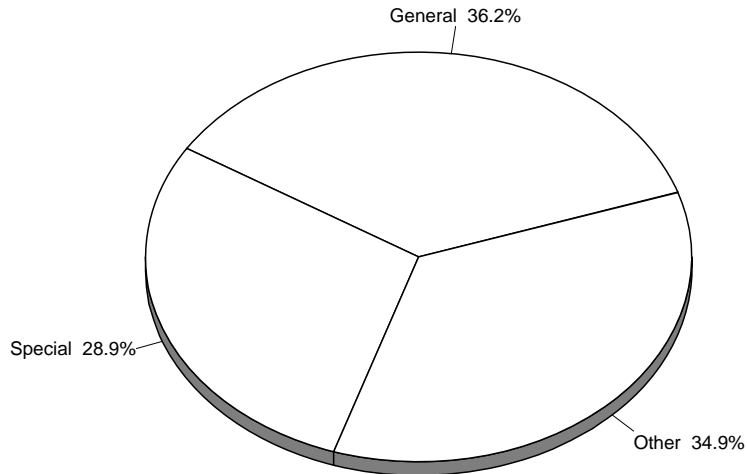
Revenues and Expenditures

Total Available Funds

Fiscal Year 2007

\$11,327,347*

(Estimated)

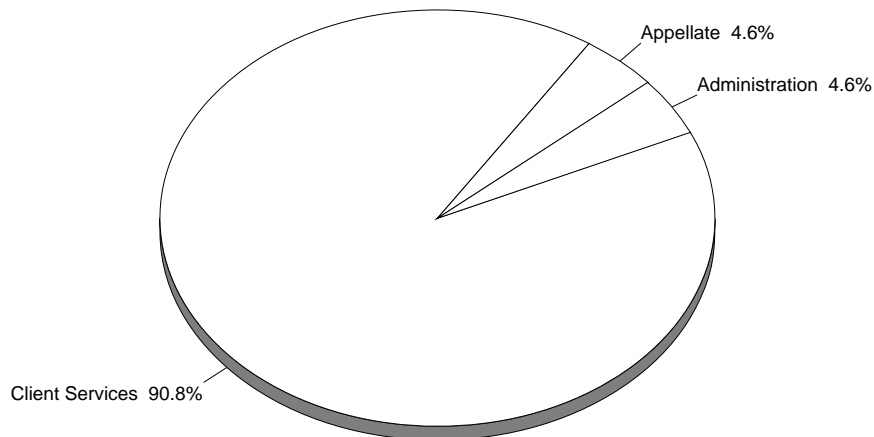


*Beginning balance plus revenues

Recommended Expenditures by Division

Fiscal Year 2007

\$9,486,006



Attorney General

Mission

As the State's chief legal office, the Attorney General has a constitutional responsibility to provide legal counsel to State officials and entities.

In the case of *State v. Burton*, the West Virginia Supreme Court held that the inherent constitutional functions of this office include:

- * Playing a central role in the State's day-to-day legal services;
- * After meaningful consideration of the potential effects of the State's legal policies and positions, playing a central role in and ensuring the adoption and assertion of those policies and positions; and
- * Expressing the Attorney General's legal view on matters of State legal policy generally and particularly before tribunals where the State is a party.

Operations

The current operations of the Attorney General's Office are accomplished by the following divisions, units, and assigned counsel:

Administration

- Managing deputies provide management for all programs.
- Purchasing for the office's other programs.
- Billing for Client Services.
- Personnel and payroll for other programs.
- Accounting services for the Attorney General's office.
- Computer support for the office.
- Case management for Client Services and Appellate Programs.

Appellate

- Appellate Program (criminal appeals and habeas corpus proceedings).
- Attorney General opinions.
- Attorney for State in matters before the Court of Claims.
- Contract Review Section including leases, bonds, deeds, FOIA responses and training, open meetings training, publications, and inquiries.
- Participation in the National Association of Attorneys General, including signing on to various amicus briefs to protect the State's interest in matters before federal appellate courts.

Client Services

- Public interest litigation through antitrust litigation or consumer representation.
- Services for state agencies include:
 - * Legal representation of the state's constitutional officers, Division of Personnel, miscellaneous professional boards, and other officers and entities of state government as the need may arise.
 - * Informal responses to inquiries from local government officials.
 - * Civil rights representation for the citizens of West Virginia.
 - * Representation and counsel to various state agencies and state boards; including but not limited to, litigation defense, advice and counsel, legal opinions, and regulatory enforcement litigation. (Representation and counsel take two forms—attorneys assigned to agencies and hourly attorneys.)

Recommended Improvements

- ✓ Additional \$400,000 for shortfall for Worker's Compensation privatization.

Attorney General
Expenditures

	TOTAL FTE POSITIONS 11/30/2005	ACTUALS FY 2005	BUDGETED FY 2006	REQUESTED FY 2007	GOVERNOR'S RECOMMENDATION
EXPENDITURE BY PROGRAM					
Administration	16.89	\$487,992	\$458,300	\$437,932	
Appellate	5.00	429,824	439,938	433,826	
Client Services	163.93	4,052,172	7,815,853	8,108,696	
Less: Reappropriated		0	(215,532)	0	
TOTAL BY PROGRAM	185.82	4,969,988	8,498,559	8,980,454	9,486,006
EXPENDITURE BY FUND					
General Fund					
FTE Positions		175.38	163.91	163.38	163.38
Total Personal Services		1,982,160	2,434,486	2,252,793	2,391,294
Employee Benefits		798,198	848,112	835,247	835,247
Other Expenses		943,924	772,520	469,212	869,212
Less: Reappropriated		0	(215,532)	0	0
Subtotal: General Fund		3,724,282	3,839,586	3,557,252	4,095,753
Federal Fund					
FTE Positions		0.00	0.00	0.00	0.00
Total Personal Services		0	0	0	0
Employee Benefits		0	0	0	0
Other Expenses		0	0	0	0
Subtotal: Federal Fund		0	0	0	0
Appropriated Special Fund					
FTE Positions		6.63	6.63	6.63	6.63
Total Personal Services		376,699	411,708	408,046	408,046
Employee Benefits		109,252	134,760	134,942	134,942
Other Expenses		322,242	929,523	905,952	893,003
Subtotal: Appropriated Special Fund		808,193	1,475,991	1,448,940	1,435,991
Nonappropriated Special Fund					
FTE Positions		13.85	15.28	15.00	15.00
Total Personal Services		20,955	669,817	698,667	698,667
Employee Benefits		1,860	218,259	220,990	220,990
Other Expenses		414,698	2,294,906	3,034,605	3,034,605
Subtotal: Nonappropriated Special Fund		437,513	3,182,982	3,954,262	3,954,262
TOTAL FTE POSITIONS BY FUND		195.86	185.82	185.01	185.01
TOTAL EXPENDITURES BY FUND		\$4,969,988	\$8,498,559	\$8,960,454	\$9,486,006

Attorney General
Programs

Administration Program

Mission

To provide administrative support to the other programs in the Attorney General's office. This includes seeing the office is funded to carry out its constitutional charge, necessities are purchased, employees get paid, employees are adequately informed of benefits, the office is appropriately staffed to carry out the mission, and other support services are provided in an efficient and effective manner.

Goals/Objectives

- Maintain attorney turnover at ten or less per fiscal year to facilitate productive and long-term attorney-client relationships.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2003</u>	<u>Actual</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>	<u>Actual</u> <u>2005</u>	<u>Estimated</u> <u>2006</u>	<u>Estimated</u> <u>2007</u>
Attorney turnover	12	7	10	10	10	10

Appellate Program

Mission

To provide legal representation for the State of West Virginia in criminal cases. The Appellate Program issues Attorney General opinions as to matters of law on a timely basis; efficiently and effectively review contracts, leases, bonds, and deeds; meets all court deadlines on FOIA responses; and provides effective training and information on open meeting requirements.

Goals/Objectives

- Successfully defend the State in criminal appeals before the West Virginia Supreme Court of Appeals and the United States Supreme Court.
- Continue the 100% successful representation of the State in postconviction habeas corpus proceedings in the Supreme Court of Appeals and the federal courts.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2003</u>	<u>Actual</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>	<u>Actual</u> <u>2005</u>	<u>Estimated</u> <u>2006</u>	<u>Estimated</u> <u>2007</u>
Cases filed (habeas and appeals)	84	92	87	95	87	87
Cases dismissed or affirmed	36.9%	57.6%	48.2%	47.3%	48.3%	48.3%
Cases reversed or remanded	7.2%	3.3%	19.7%	3.4%	19.5%	19.5%
Cases stayed or undecided	55.9%	39.1%	32.1%	48.4%	32.2%	32.2%

Client Services Program

Mission

The mission is to provide efficient and effective legal representation, counsel, and regulatory actions, to and for the various State agencies and boards, to ensure and defend the state's citizens' civil rights, and public interest litigation that protects businesses and consumers in West Virginia.

Goals/Objectives

- Provide superior legal representation to the various State agencies and boards.
- Enforce the antidiscrimination provisions of the West Virginia Human Rights Act and West Virginia Fair Housing Act through effective litigation of complaints filed with the West Virginia Human Rights Commission that have been found to have probable cause.
- Bring legal actions under sections one and two of the Sherman Act and under the Clayton Act to ensure open competitive markets in West Virginia that protect West Virginia businesses and consumers.
- Provide quality consumer protection through the office's voluntary problem mediation and various forms of legal action to protect consumers and businesses in West Virginia.
- Regulate and help guarantee preneed funeral arrangements.

Performance Measures

<u>Fiscal Year</u>	<u>Actual 2003</u>	<u>Actual 2004</u>	<u>Estimated 2005</u>	<u>Actual 2005</u>	<u>Estimated 2006</u>	<u>Estimated 2007</u>
Attorneys assigned to agencies	38	44	41	49	43	45
Revenue (damages) from civil rights lawsuits (in thousands)	\$1,000	\$1,055	\$856	\$1,055	\$856	\$856
Civil rights cases	69	66	90	66	90	70
Revenue (damages) from antitrust lawsuits (in thousands)	*\$3,147	\$147	\$228	\$7,980	\$228	\$475
Revenue (damages) from consumer protection lawsuits exclusive of tobacco litigation (in millions)	\$2.0	\$11.5	\$0.4	\$16.4	\$0.4	\$0.4
Annualized revenue from consumer protection assurances** (in millions)	\$0.80	\$0.40	\$0.05	\$0.24	\$0.50	\$0.50

* In addition to smaller receipts, the Antitrust Program brought in approximately \$1.3 million in the Mylan cash settlement that was distributed to PEIA and consumer refunds. Of approximately \$1.9 million in cash settlements from vitamin companies, \$1 million was distributed to the West Virginia Department of Health and Human Resources to match \$3 million federal dollars for dental services for TANF adults.

** An assurance is a case settled without a lawsuit being filed.